

MEMO ENDORSED

DICKSTEINSHAPIRO LLP

1177 Avenue of the Americas | New York, NY 10036-2714
TEL (212) 277-6500 | FAX (212) 277-6501 | dicksteinshapiro.com

August 26, 2008

BY FACSIMILE TO 212.805.7949

The Honorable P. Kevin Castel
United States District Judge
United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

Re: SEC v. Colonial Investment Management LLC, et. al., 07 cv 8849 (PKC)

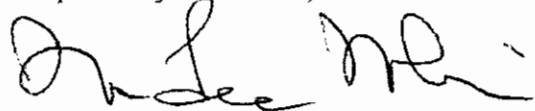
Dear Judge Castel:

On behalf of plaintiff United States Securities and Exchange Commission ("SEC"), and defendants Colonial Investment Management LLC, Colonial Fund LLC, and Cary G. Brody ("Defendants"), we respectfully submit this letter pursuant to Your Honor's Individual Practices, Rule 1.1.C., and pursuant to the Revised Civil Case Management Plan and Scheduling Order filed on February 25, 2008, most recently modified on June 25, 2008. Under the current Plan, the Final Pretrial Submission Date is September 29, 2008 (thirty days following the close of expert discovery), and by that date, the parties are to submit their Joint Pretrial Order.

Counsel for Defendants will be engaged in a lengthy criminal trial throughout the month of November and into December before the Honorable Jed S. Rakoff. As a result, both parties believe that best interests will be served if trial is scheduled for no earlier than February 1, 2009. Accordingly, if trial is to begin several months from now, both parties respectfully request that the Final Pretrial Submission Date be extended from September 29, 2008 to a date closer to trial.

We also note that the Final Pretrial Conference in this case is currently scheduled for September 19, 2008 at 10:00 A.M., at which time we will be prepared to discuss any outstanding scheduling matters.

Respectfully submitted,



Ira Lee Sorkin
(212) 277-6576
sorkini@dicksteinshapiro.com

cc: Valerie A. Szczepanik, Esq. (by facsimile)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/27/08